



Town of Uxbridge  
**Planning Board**  
21 South Main St.  
Uxbridge, MA 01569  
(508) 278-6487

**June 11, 2008**

**TOWN OF UXBRIDGE, MASSACHUSETTS  
CERTIFICATE OF APPROVAL OF A  
MODIFIED DEFINITIVE SUBDIVISION PLAN  
WITH CONDITIONS**

**DOWN EAST ESTATES**

Town Clerk  
Town Hall  
Town of Uxbridge, Massachusetts

**BACKGROUND**

It is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, a public hearing was opened on April 25, 2007 but was continued at the applicant's request, without taking testimony, numerous times until January 23, 2008 at which time the hearing was opened for the purpose of taking testimony. Following input the hearing was again continued at the applicant's request several times and without taking testimony, and eventually reconvened on March 26, 2008. Again the hearing was continued at the applicant's request several times, without taking testimony, and was reconvened on May 28, 2008.

Following review of all materials and testimony, a motion was made by Mr. Stefanick and seconded by Mr. Petrillo and it was voted to approve a Modified Definitive Plan entitled: DOWN EAST in the Town of Uxbridge, MA prepared by: Heritage Design Group, dated: March 19, 2007, most recent revision April 30, 2008, submitted by Heritage Design Group for property owned by: Down East Realty, LLC, c/o Keith Armstrong and Bruce Taylor originally filed with the Planning Board on March 27, 2007 concerning Uxbridge Assessors Map 41, Parcels 1293 and 2117, Deed Book 35415 Page 303 and showing 7 proposed lots on nine point zero nine (9.09) +/- acres, **with conditions and waivers:**

**FILINGS** upon which the decision is based:

- 1) Application for Definitive Subdivision Modification Plan, submitted March 27, 2007 and containing application forms, deeds and ownership data, fee schedule and associated submittal fees and a certified abutters list.
- 2) Plans drawn by Heritage Design Group, One Main Street, Whitinsville, MA 01588, dated March 19, 2007 revised through April 30, 2008 and consisting of the following sheets:
  - a) Cover Sheet 1 of 19,
  - b) Overall Development Plan 2 of 19
  - c) Existing Conditions 3 of 19
  - d) Sheet Index and Development Data 4 of 19
  - e) Overall Definitive Plan 5 of 19
  - f) Definitive Subdivision Plan 6 thru 7 of 19
  - g) Topographic/Utility Plan Index 8 of 19
  - h) Topographic/Utility Plan 9 thru 10 of 19
  - i) Plan and Profile 11 of 19
  - j) Miscellaneous Site Details 12 thru 15 of 19
  - k) Drainage Plans 16 thru 18 of 19
  - l) Conservation & Erosion Control Plan 19 of 19
- 3) Drainage Analysis dated March 19, 2007
- 4) Staff Review Comments from
  - a) DPW, dated March 17, 2005
  - b) DPW, dated April 21, 2005
  - c) Board of Health, dated February 19, 2007
  - d) DPW, dated April 2, 2007
  - e) BETA Group, Inc., dated July 24, 2007
  - f) Director of P&ED, dated October 24, 2007
  - g) Director of P&ED, dated February 13, 2008
  - h) Director of P&ED, dated February 22, 2008
  - i) DPW, dated May 27, 2008
  - j) DPW (email) dated June 5, 2008
- 5) Other Correspondence from
  - a) Cullinan Engineering, dated March 7, 2005
  - b) Heritage Design Group, dated April 7, 2005
  - c) Heritage Design Group, dated April 21, 2005
  - d) Cullinan Engineering, dated April 27, 2005
  - e) Heritage Design Group, dated May 5, 2005
  - f) Cullinan Engineering, dated May 10, 2005
  - g) Cullinan Engineering, dated July 18, 2005
  - h) Down East Realty LLC, dated July 18, 2006
  - i) Heritage Design Group to the BOH, dated August 10, 2007
  - j) Heritage Design Group to BOH, dated November 22, 2007
  - k) Heritage Design Group to BOH, dated January 3, 2008

- l) Heritage Design Group, dated May 6, 2008
- m) Heritage Design Group, dated May 14, 2008

## **CONDITIONS OF APPROVAL**

1. This decision modifies a previous approval by changing some of the drainage infrastructure. The original Plan is recorded in the Registry of Deeds Plan Book 819 Plan 121. The Original Covenant is filed in the Registry of Deeds Book 37435 Page 354
2. The applicant shall record a deed restriction affecting the property shown as Assessor's Map 41 Parcel 2117, restricting future owners from placing any structure, trees or any other potential obstacle that could impair sight distance looking northerly on East Street. A copy of the recorded deed shall be provided to the Planning Board office prior to release of the lot for and building.
3. An Order of Conditions has been issued by the Conservation Commission regarding construction of the subdivision roadway and infrastructure. This (DEP #312-789) and any other Orders shall be maintained in good standing. Failure to comply with all such requirements shall be deemed a violation of this approval.
4. The project site is located within the Town's Groundwater Protection Zone. All applicable regulations shall be adhered to.
5. The developer will be held responsible for any regulatory traffic warning signs which may be needed after the development becomes occupied as required by the police department, or Board of Selectmen.
6. All street names shall be approved by the Board of Selectmen. Street name signs shall be posted prior to the clearing of trees or actual start of work on this subdivision. The signage shall clearly indicate that it is a PRIVATE roadway until such time as the Town votes to authorize acceptance of the roadway and infrastructure and such acceptance process is completed.
7. Maintenance of all ways and infrastructure shall be the responsibility of the developer and in no case shall be the responsibility of the Town unless and until the Town votes to authorize acceptance of the roadway and infrastructure and such acceptance process is completed.
8. All regulations and requirements of the Board of Health, Conservation Commission, Department of Public Works and agencies shall be fully complied with. Failure to comply with any such regulations or permit requirements shall constitute a violation of this Plan approval.
9. The contents of this Decision, including all waivers and conditions of approval, shall be shown as notes on the plan prior to endorsement.
10. Endorsement of approval of the Modified Definitive Plan for DownEast Estates shall be sought within sixty (60) days of the expiration of the twenty-day appeal

period or within sixty (60) days after the entry of a final decree by the court sustaining the approval of the plan if appeal has been taken.

11. Within thirty (30) days after endorsement of approval of the Definitive Plan, the applicant shall obtain and deliver to the Board or its Clerk, four (4) prints of said Plan, as so completed, for the Board's files and for subsequent distribution to appropriate Town Agencies
12. Within 6 months after endorsement of the approved plan, the applicant shall record with the Worcester County Registry of Deeds, and in the case of registered land, with the Recorder of the Land Court, a copy of said Plan and any covenants, and shall submit four copies of recorded plan(s) to the Board.
13. The developer shall complete construction of all ways and installation of all municipal services and utilities in accordance with this approval and with the Board's rules and regulations within three (3) years from the date of approval (unless an extension has been granted by the Planning Board). Failure of the developer to complete construction as stated above shall result in automatic rescission of the plan without further action of the Board. At its option and among whatever other remedies it may have, the Board may enforce the surety or bond or apply the deposit towards the reasonable cost of satisfactory completion of such work. In case of a covenant, the Board may also seek an injunction restraining any further sale of lots or buildings thereon until all required work has been satisfactorily completed.
14. The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
15. Copies of all recorded instruments, including deed restrictions, easements, etc shall be provided to the Planning Board, and deemed satisfactory to the Board for their stated purposes, prior to release of any covenant. Such materials shall include the book and page number where such document(s) is/are on file at the Worcester District Registry of Deeds.

SAID MODIFIED DEFINITIVE SUBDIVISION APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 41 SECTION 81K-81GG. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 41 SECTION 81BB.

UXBRIDGE PLANNING BOARD:

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**John Morawski**, Chairman

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**Deborah Bernier**

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**Charles Lutton**

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**Peter Petrillo**

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**Stanley Stefanick**

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and no appeal has been filed in this office.

A true copy: ATTEST